

Special Education Advisory Committee

Policies, Practices and Procedures Subcommittee

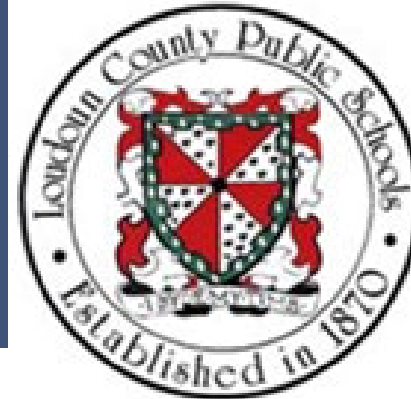
Review, Findings and Recommendations

Draft Policy 8040:

Non-Discrimination on the Basis of Disability for All Students

Draft Policy 5340:

Disciplinary Procedures for Disabled Students





Non-Discrimination on the Basis of Disability for All Students Draft Policy 8040 Review, Findings and Recommendations

Review of Findings

The policy subcommittee reviewed the draft policy and determined that it does not meet the needs of Special Education students.





Non-Discrimination on the Basis of Disability for All Students

Draft Policy 8040

Review, Findings and Recommendations

Community Concerns:

- **Parents are fearful of retaliation**
- **Inequitable access to programs**
- **Disproportionate discipline**





Non-Discrimination on the Basis of Disability for All Students Draft Policy 8040 Review, Findings and Recommendations

Recommendation 1: Add OCR's definitions of discrimination and retaliation. For discrimination, include different treatment and disparate impact; for retaliation, include pattern of harassment.

Rationale:

- Draft Policy 8040 states that students shall not be subjected to discrimination and retaliation but does not define those terms.
- Lack of definition leads to misunderstanding and non-compliance.





Non-Discrimination on the Basis of Disability for All Students Draft Policy 8040 Review, Findings and Recommendations

Recommendation 2: Alter the statement “offered by the school division” (para 2) to read “offered by the school division or school approved event”

Rationale:

- Section 504 requires school divisions to ensure equal access to all school events (even those that are not directly offered by the school division).





Non-Discrimination on the Basis of Disability for All Students Draft Policy 8040 Review, Findings and Recommendations

Recommendation 3: Change “school-aged students” to “all students”

Rationale:

- LCPS hosts pre-school programs, such as ECSE, STEP, and Head Start.
- LCPS hosts post-school programs, such as adult education.
- LCPS is obligated to protect all students from discrimination.





Non-Discrimination on the Basis of Disability for All Students Draft Policy 8040 Review, Findings and Recommendations

Recommendation 4: The Policy needs to address what happens when discrimination or retaliation is found to have occurred.

Rationale:

- If there are findings of discrimination, retaliation or harassment made by OCR, a Hearing Officer, a court, or an internal complaint, LCPS should needs to investigate and remediate the causes of the finding.





SEAC Recommendations AND Voting



Recommendations: Non-Discrimination on the Basis of Disability for All Students Draft Policy 8040

- Add OCR's definitions of discrimination and retaliation. For discrimination, include different treatment and disparate impact; for retaliation, include pattern of harassment.
- Alter the statement "offered by the school division" (para 2) to read "offered by the school division or school approved event"
- Change "school-aged students" to "all students"
- The Policy needs to address what happens when discrimination or retaliation is found to have occurred.





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

Review of Findings

The policy subcommittee reviewed the draft policy and determined that it does not meet the needs of Special Education students.





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

Community Concerns:

- **Students with disabilities are being suspended for causal behavior**
- **Lack of parent collaboration and involvement**
- **Lack of teacher and administration training**
- **Insufficient Mental Health Supports**
- **Lack of Social Emotional Learning**





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

Merriam-Webster:

discipline, verb

1. to punish or penalize for the sake of enforcing obedience and perfecting moral character
2. to train or develop by instruction and exercise especially in self-control
 - a. to bring (a group) under control
 - b. to impose order upon





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

If we integrate the definition of the term into the title, we get:

Procedures *for Punishing or Penalizing* Students With
Disabilities *for the Sake of Enforcing Obedience and Perfecting
Moral Character*





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

The current policy focuses on two things:

1. Suspension
2. Removal from current placement

LCPS has current initiatives for system-wide improvement:

1. Positive Behavior Intervention and Supports (PBIS)
2. Improving attendance
3. Growth Mindset

LCPS is endeavoring to evolve, from "old school" educational methodologies to current best practice, evidence-based methodologies.

SEAC supports this evolution and these initiatives.





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

Recommendation 1: Rewrite the title and policy to remove the word *discipline* and use the language and concepts of PBIS.

Title Suggestion: Behavioral Interventions and Supports for Students with Disabilities.

Rationale:

- In order to achieve meaningful improvement, we need to change the way we think and act about behavior.
- LCPS has adopted PBIS and growth mindset approaches.
- Policies and procedures should implement PBIS and growth mindset.
- The word discipline should be retired from our vocabulary and thinking.





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

Recommendation 2: The Policy should be written to emphasize constructive interventions over tactics or disciplinary sanctions that remove students from instruction.

Rationale:

- LCPS has accepted, adopted, and documents the use of PBIS in all schools.
- The policy should support PBIS, attendance, and growth mindset, not work against them.
- LCPS is incorporating these philosophies into all other policy areas, this should also include behavior (formerly discipline).





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

Recommendation 3: Suspension, and exclusionary disciplinary practices tantamount to suspension, shall not be permitted except where required by law.

Rationale:

- Correct implementation of PBIS eliminates the need for suspension

Evidence shows that suspensions:

1. Increase, not decrease, unexpected behavior.
 2. Make schools less safe.
 3. Have many unintended consequences.
 4. Are a critical step in the school-to-prison pipeline.
- SEAC has received many reports of restraint, seclusion, and suspension being replaced by practices that are only slightly different and continue to cause harm. All practices that exclude students from education should be closely examined and replaced by practices that use education as a positive solution.
 - Many public-school systems and private schools have abolished suspension.





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

Recommendation 4: Rewrite the policy to cite the Virginia Regulations Governing Special Education Programs, 8VAC20-81-160 (Discipline Procedures) instead of incorrectly restating those procedures.

Rationale:

- The current draft spends most of its current body restating the regulations inaccurately. Every error identified is unfavorable to the student.
- The state regulations preempt LCPS policy.





Disciplinary Procedures for Disabled Students Draft Policy 5340 Review, Findings and Recommendations

Recommendation 5:

Change “School personnel may consider any unique circumstances” back to the existing policy wording “School personnel **shall consider any unique circumstance”**

Change “school personnel should review the student's [IEP/504/BIP]” to “school personnel **shall review the student's [IEP/504/BIP]”**

Rationale:

- For the former, the draft revised policy significantly weakens the requirement to consider the student’s disability.
- For the latter, suspension and removal from the educational environment are actions with significant adverse impact on a student's educational progress.
- School personnel are required to consider each individual student’s unique circumstances to ensure provision of a Free Appropriate Public Education (FAPE).





SEAC Recommendations AND Voting



Recommendations: Disciplinary Procedures for Disabled Students Draft Policy 5340

- Rewrite the title and policy to remove the word *discipline* and use the language and concepts of PBIS.
- The Policy should be written to emphasize constructive interventions over tactics or disciplinary sanctions that remove students from instruction.
- Suspension, and exclusionary disciplinary practices tantamount to suspension, shall not be permitted except where required by law.
- Rewrite the policy to refer to the Regulations Governing Special Education Programs, 8VAC20-81-160 (Discipline Procedures) instead of incorrectly restating those procedures.





SEAC Recommendations AND Voting



Recommendations (cont'd) - Disciplinary Procedures for Disabled Students - Draft Policy 5340

- Change “School personnel may consider any unique circumstances” back to the existing policy’s “School personnel **shall** consider any unique circumstances” and,
- Change “school personnel should review the student's [IEP/504/BIP]” to “school personnel **shall** review the student's [IEP/504/BIP]”



Thank you!

